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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,599	02/04/2002	Claudio A. Cerutti	RAP04 P-617A	5900

28101 7590 07/20/2004

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EXAMINER

RODRIGUEZ, JOSEPH C

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/067,599		CERUTTI ET AL.	
	Examiner		Art Unit	
	Joseph C Rodriguez		3653	NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-89 is/are pending in the application.
- 4a) Of the above claim(s) 26-89 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-4, 8-11 and 22 is/are allowed.
- 6) ☒ Claim(s) 1, 5-7, 12-21 and 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/08/03; 4/19/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Final Rejection

Applicant's arguments filed 4/19/04 have been fully considered but they are not persuasive for reasons detailed below.

The prior art rejections are maintained or modified as follows:

Claims 1, 5, 6, 13, 16-18, 20 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Soldavini (US '703 B1).

Regarding claims 1 and 16, Soldavini teaches a method (Fig. 1-6) comprising providing at least two inducts (9u, 9d) for loading articles (A, B) onto transport units (1, 2); feeding articles to said inducts without respect to a destination (col. 5, ln. 1-12); determining a destination (Id., station 8) and loading articles from inducts to the transport units in the order in which the articles are fed (Fig. 3a-6, with emphasis on 3b and 3f). Here, it is implicit that possible blocking conditions between separate articles have been resolved. That is, Soldavini teaches calculating a proper loading placement based on a article destination and transport unit position (col. 5, ln. 19 et seq.), thus it is implicit that the possible interference of multiple articles being loaded onto the same transport, or loaded in improper position, have been resolved.

Regarding claims 6, 17, 18, an induction priority can be regarded as the loading precedence of the articles. Soldavini thus teaches determining an induction priority by determining a priority (i.e., loading precedence of articles A and B) based on a destination and then teaches delaying an article (e.g., by shifting to another induct) to resolve the possible blocking condition (Id.).

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Regarding claims 5, 20 and 23, Soldavini teaches loading articles onto both sides of a transport unit (Fig. 3f) and providing at least two discharge ports (Fig. 4f, near C3 and C5), wherein said articles can be discharged onto either port to resolve blocking conditions (Id.).

Regarding claims 13, the respective destination can be regarded as an upstream destination thus Soldavini teaches resolving blocking conditions as a function of the upstream destination.

Applicant's arguments and amendments are unpersuasive in view of the above. In particular, Applicant's argument that Soldavini fails to teach loading articles to the transport units in the order in which the articles are fed ignores the teachings of the prior art. Soldavini clearly teaches this limitation in one variation of the sorting process (Cf. Fig. 3b and 3f). It is irrelevant for patentability purposes that Soldavini may also operate in another fashion as Soldavini need only anticipate Applicant's claimed method steps. Therefore, Applicant's arguments are unpersuasive and Applicant's claim stand rejected..

Further, as Applicant has failed to advance an alternative argument the following rejections, as previously set forth, are also made final:

Claims 7, 12, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soldavini in view of Lund (US '672).

As previously stated:

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Soldavini as set forth above teaches all that is claimed except for expressly teaching providing at least one recirculation system and reinduction station and using said station and system (e.g., availability of) to resolve blocking conditions. These features, however, are well-known in the conveying arts. For instance, Lund teaches a sorting conveyor system (Fig. 1, 2) including induction stations (16a-c), a recirculation system (10) and reinduction stations (24, 26, 28). Further, Lund teaches a control system including sensors and monitoring devices for determining the proper article sequencing and flow between the main path and subsystems (Fig. 2, near 10, 94, 16, 90), thus it is implicit that the recirculation system and reinduction stations are used to resolve and prevent possible blocking conditions with respective articles. Moreover, the recirculation system and reinduction stations are well known features that reduce the need for storage space and allow the user to prepare a more effective article delivery sequence by allowing an article to circulate (col. 1, ln. 35-col. 2, ln. 65). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Soldavini as taught above.

Claims 14-15 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soldavini in view of Okada (US '084).

As previously stated:

Soldavini as set forth above teaches all that is claimed except for expressly teaching transport units with side by side carrier belt article supports that are independently operable. Okada, however, teaches such a transport unit (Fig. 4-7, near 13a-13d; col. 3, ln. 19-24). Moreover, Okada teaches that these transport units provides the common-sense benefit of greater flexibility for, inter alia, handling of articles of different sizes (col. 2, ln. 24 et seq.). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Soldavini as taught above.

Allowable Subject Matter

Claims 2-4, 8-11 and 22 are allowed.

Election/Restrictions

This application contains claims 26-89 drawn to an invention nonelected with traverse in the reply filed on 4/19/2004. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Examiner has maintained the prior art rejections, statutory rejections and drawing objections as previously stated and as modified above. Applicant's amendment necessitated any new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any references not explicitly discussed above but made of record are considered relevant to the prosecution of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph C Rodriguez whose telephone number is **703-308-8342**. The examiner can normally be reached on M-F during normal business hours (9 am – 6 pm, EST).

The **Official** fax phone number for the organization where this application or proceeding is assigned is **703-872-9326** (After-Final **703-972-9327**).

The **UnOfficial** fax phone number for the organization where this application or proceeding is assigned is **703-306-2571** or **703-308-6552**.

The examiner's **UNOFFICIAL Personal** fax number is **703-746-3678**.

Further, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only.

For more information about the PAIR system, see

<http://pair-direct.uspto.gov>

Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at 866-217-9197 (Toll Free).


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Alternatively, inquiries of a general nature or relating to the status of this application or proceeding can also be directed to the **Receptionist** whose telephone number is **703-308-1113**.

July 14, 2004


DONALD P. WALS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600